

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA	§	
	§	
-vs.-	§	Criminal No. 4:05cr131
	§	Judge Schell
RAFAEL ANTONIO FERNANDEZ-	§	
GARCIA	§	

ELEMENTS OF THE OFFENSE

RAFAEL ANTONIO FERNANDEZ-GARCIA, you are charged in a one count indictment filed in the Eastern District of Texas with Reentry of a Removed Alien in violation of Title 8, United States Code, Section 1326. The following are the essential elements of the offense that the government must prove beyond a reasonable doubt before you could be convicted, but which you would admit if your plea is accepted.

- First: That the defendant was an alien at the time alleged in the Indictment;
- Second: That the defendant previously had been deported or removed from the United States;
- Third: That thereafter the defendant was found in the United States; and
- Fourth: That the defendant had not received the consent of the Attorney General of the United States or Secretary of Homeland Security, the successor, to apply for readmission to the United States since the time of the defendant's previous deportation.

Respectfully submitted,

MATTHEW D. ORWIG
United States Attorney

/s/

John L. Ratcliffe
Assistant United States Attorney

Certificate of Service

I hereby certify a true and correct copy of the foregoing was served by electronic filing by CM/ECF to Mr. Robert Herrington, P.O. Box 262234, Plano, TX 75026-2234 on this the 22nd day of July, 2005.

/s/

John L. Ratcliffe